

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 3:06cr297-MHT
)	
LOYD FRANK LAWING, JR.)	

SECOND MOTION TO CONTINUE SENTENCING

COMES NOW the Defendant, **LOYD FRANK LAWING, JR.**, through
Undersigned Counsel, Donnie W. Bethel, and moves this Court to continue the sentencing
hearing that is now scheduled for January 24, 2008. In support of this Motion, Mr. Lawing
would show the following:

1. The sentencing hearing in this case was originally set for Nov 13, 2007. Mr.
Lawing moved this Court to continue that hearing so that Mr. Lawing could spend the
Christmas holiday with his son; who was then serving a year-long tour of duty in Iraq and
scheduled to return to the United States in early December. This Court continued the
sentencing hearing until January 24, 2008. At the time, Undersigned Counsel failed to
realize that that date was during a week when he is scheduled to be out of the State of
Alabama.

2. Although this case has been resolved by way of a guilty plea, the discovery
encompassed several thousand pages of documents, which required a great deal of time for
Undersigned Counsel to sift through to properly and thoroughly analyze this case. Due to

the nature and complexity of this case, there will be one unresolved objection to the Presentence Investigation Report that will have to be litigated at the sentencing hearing. Also, both parties plan to present evidence and testimony from multiple witnesses at the hearing. For these reasons, it is untenable for another attorney from the Office of the Federal Defenders to represent Mr. Lawing at the sentencing hearing. Further, Jennifer Hart, who was originally assigned as co-counsel, is no longer employed by the Office of the Federal Defenders. Christine Freeman, the Executive Director, will be in St Louis, Missouri, during the week of January 21, 2008, and Kevin Butler, the First Assistant to Ms. Freeman, will be out of the Office for three months of family leave.

3. The week of January 21, 2008, Undersigned Counsel is scheduled to be in Colorado, where he will attend the National Association of Criminal Defense Lawyer's Advanced Criminal Law Seminar, which seminar will satisfy mandatory continuing legal education requirements. Undersigned Counsel is scheduled to return to the Office of the Federal Defender on Tuesday, January 29, 2008. Undersigned Counsel currently has four felony trials set for the trial term that begins February 4, 2008, and he fully expects at least two of those four to proceed to trial during that trial term. Therefore, Mr. Lawing requests that his sentencing hearing be rescheduled on or after February 11, 2008.

4. A continuance of the sentencing hearing in this case will serve the ends of justice.

5. Undersigned Counsel has contacted Assistant United States Attorney (AUSA) Christopher Snyder concerning this Motion. AUSA Snyder opposes this Motion.

WHEREFORE, for the foregoing reasons, Mr. Lawing respectfully requests that the Court continue the sentencing hearing in this case from the presently scheduled date of January 24, 2008, until on or after February 11, 2008.

Dated this 11th day of January, 2008.

Respectfully submitted,

s/ Donnie W. Bethel
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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant United States Attorney Christopher A. Snyder.

Respectfully submitted,

s/ Donnie W. Bethel
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